

REMARKS

Initially, Applicant expresses appreciation to the Examiner for the courtesies extended in the recent in-person interview. The amendments and remarks presented herein are consistent with those discussed. Accordingly, entry of this amendment and reconsideration of the pending claims is respectfully requested.

The Office Action, mailed February 6, 2009, considered and rejected claims 1-28, 41 and 42. Claims 1-28, 41 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Whelan* (U.S. Publ. No.: 2004/0198220) in view of *Meier* (U.S. Patent No.: 6,950,628).¹

By this paper, claims 1-3, 10-12, 19-21, 23-26 and 28 are amended, claims 41 and 42 cancelled, and no claims added. Accordingly, following entry of this paper, claims 1-28 remain pending, of which claims 1, 10, 19 and 24 are the independent claims at issue.

As discussed during the interview and as reflected in the above claims, Applicant's claims generally relate to a station/client device that authenticates an access point that bridges communication between the station and a communications server. As discussed in greater detail during the interview, the claims specifically identify a discovery process in which the station seeks discovery information from multiple access points, and obtains discovery information from an access point that is thereafter selected. After selecting the access point, the station authenticates the selected access point. Authentication includes sending the discovery information about the access point's capabilities and obtained during discovery *back to* the access point from which it was ostensibly received, and then receiving an acknowledgement receipt to indicate that the information believed received from the access point matches the information that the access point sent during discovery.

Applicant notes that claims 1 and 10 recite corresponding method and computer-program product claims, respectively, from the perspective of the station. Claims 19 and 24 generally relate to claims 1 and 10, and are also method and computer-program product claims, respectively, but are from the perspective of the verified access point.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

As also discussed during the interview, while *Whelan* and *Meier* generally relate to managing wireless stations and the communications therewith, Applicant respectfully submits that they fail to render the pending claims unpatentable for at least the reason that they fail to disclose or reasonably submit a client station that obtains discovery information about the access point's capabilities, and then sends the received information back for confirmation that it matches what the access point sent, as recited in combination with the other claim elements.

For example, *Whelan* relates to roaming WLANS, but the Office acknowledges that it is deficient in regard to verifying information concerning an access point. (Office Action, p. 6). In that regard, the Office cites *Meier*.

In particular, *Meier* discloses a method for associating a wireless station to a service set configured at an access point. Each service set is an arbitrary grouping of network service parameters and is chosen based on a service set identifier (SSID) provided to the access point by the wireless station. (See col. 3, ll. 1-18). A connection may thereafter be allowed if the access point does have a matching SSID. (See col. 6, ll. 30-39). Notably, *Meier* thus appears to disclose that the wireless device sends its SSID and then is granted communication access when the access point verifies the SSID is stored therein. In other words, verification and authentication in *Meier* relates to an SSID of the wireless device that is verified at the access point. Nothing in *Meier*, however, relates to the wireless device/station sending information back to the access point, let alone that the information sent back is previously discovered information about the access point's capabilities so that the access point can verify that the information the station received matches the information that the access point provided, as recited in combination with the other claim elements.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 6th day of July, 2009.

Respectfully submitted,

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